THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.15393 of 2000

Dated:21.06.2007

Between:

P.Balaji, S/o.Narsing Rao.

…Petitioner

and

The Govt. of A.P., Rep.by its Secretary to
Govt. Social Welfare (LTR) Department
at Secretariat Hyderabad, and others.

…Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.15393 of 2000

ORDER:

The petitioner herein is a non-tribal, who was in possession of land admeasuring Acs.8.11 guntas in Survey No.48/AA situated at Chincholi Village of Ichoda Mandal in Adilabad District. In 1985, the third respondent initiated action under Section 3(2) of the Andhra Pradesh Scheduled Areas Land Transfer Regulation, 1959 (Regulation No.I of 1959), as amended by Regulation I of 1970 ('Regulation' for brevity). On 19.07.1985, the third respondent passed orders for ejectment of the petitioner from the subject land on the ground that he is a non-tribal in occupation of the land in agency area in contravention of the provisions of the Regulation. The petitioner filed an appeal before the second respondent, being Case No.D4/Ag/3/89, who dismissed the same on 23.06.1990 agreeing with the third respondent. The petitioner's revision was also dismissed by impugned order in G.O.Ms.No.29, dated 03.04.2000, which is challenged in this Writ Petition.

Learned Counsel for the petitioner submits that the authorities erred in applying the provisions of the Regulation, and that the Regulation has no application for the land purchased by the petitioner, as he purchased the land in 1969 prior to coming into force of Regulation I of 1970, and therefore, the impugned orders are unsustainable.

The allegation made by the petitioner was that he purchased the

land in 1969 from a non-tribal, namely, Shahabuddin. If that were to be, the petitioner ought to have produced the evidence before the third respondent after issuance of the show cause notice. A perusal of the order of the third respondent would show that after receiving the show cause notice, the petitioner appeared personally on 16.01.1985 and 06.02.1985, and thereafter, though the matter was adjourned on five occasions, he failed to appear and produce the evidence. Therefore, the third respondent verified the records and found that as per the revenue records Sri Imamuddin, S/o.Sk.Wazir, and two others cultivated the land for the year 1969-1970, and in 1975, Shahabuddin, S/o.Sk.Mahboob, sold the property to the petitioner under a registered sale deed dated 17.05.1975. It is certainly a factor, which is against the petitioner. When the petitioner failed to produce evidence showing that the sale transaction was prior to coming into force of the Regulation, and that when there was a registered document showing that purchase of the land was in 1975, being a question of fact, the question cannot be gone into in the Writ Petition. The appellate authority or the revisional authority have appreciated the factual background correctly and applied the law correctly. The impugned order cannot be termed as illegal.

The Writ Petition is devoid of any merit, and is accordingly dismissed. No costs.

_____

(V.V.S.RAO, J)

21.06.2007
vs